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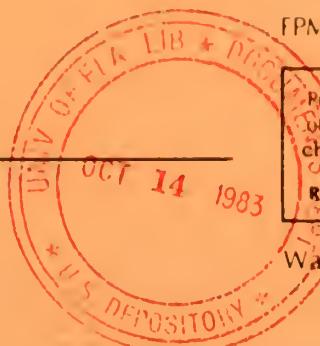
Office of Personnel Management

Federal Personnel Manual System

FPM Letter 751-3

SUBJECT: Suggested Table of Actions for
Correcting Employee Misconduct

FPM Letter 751-3



Washington, D. C. 20415

October 6, 1983

Heads of Departments and Independent Establishments:

1. The Office of Personnel Management, in support of the President's Council on Integrity and Efficiency, has developed policy on agencies' publishing tables of actions for correcting employee misconduct. In this regard, the attached, sample table provides a framework which may be used by agencies in developing or modifying their own tables of actions. However, it should be noted that the sample table is offered only as guidance. It should not be construed by agencies or third parties as a Government-wide table, or as reflecting a judgment by OPM on what offenses should or should not be included on a table for a particular occupation or agency, or what range of penalties should be used for a particular offense.
2. A published table of actions offers several important benefits. Such a table transmits a clear message that misconduct has adverse consequences, and that those consequences are certain. It benefits employees by informing them of their agency's standards and expectations regarding conduct. It also promotes uniformity in imposing discipline, ensuring that treatment of similar offenses is reasonably consistent. Equally important, such a table can be instrumental in aiding supervisors in overcoming the natural human reluctance to confront the unpleasant circumstances inherent in disciplining employees and thereby helps ensure that actionable offenses are met with a standard minimum corrective action. Thus, unwanted behavior is more apt to receive the early attention that prevents minor offenses from growing into major conduct problems. Also, a table of actions helps to ensure that an employee is not protected against action simply because he or she occupies a high level position within the agency. In addition to providing this supportive environment for good supervision and management, such a table assists agency internal auditors and OPM personnel management evaluators in reviewing the effectiveness of the agency's disciplinary program.
3. For these reasons, OPM strongly encourages each agency to publish a table or tables of actions as a guide for correcting employee misconduct. An agency which does not have a published table may adopt or modify the sample table attached to this letter for its own use, or may wish to develop a table that includes the most common offenses occurring at the agency. Departments or other large organizations may wish to establish separate tables for their components if differences in mission or operating environment so warrant.



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Attachment

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Preface to the
Suggested Table of Actions

The suggested table of actions provided below is distributed for the purpose of giving guidance to agencies developing or modifying their own tables. The Office of Personnel Management recognizes the possibility of variation in the assessment of penalties for particular offenses, depending on such factors as disciplinary history and type of position occupied by the offending employee. Such variations are appropriate and expected. For example, while a reprimand might be appropriate discipline for a lower level employee committing a first offense of falsifying a travel voucher, suspension, demotion or other adverse action under Part 752 of 5 CFR might be more appropriate for an employee having important fiscal responsibility, such as an auditor or IRS agent. For that reason, this table is not offered as a Government-wide table of penalties, nor should agencies or third party adjudicators interpret the table as representing OPM's sole judgment concerning actionable offenses or the range of appropriate penalties for listed offenses.

In establishing or modifying a table of penalties, agencies are reminded to be aware of their rights and obligations under the Federal Labor-Management Relations Statute, 5 U.S.C. 7101 *et seq.* In addition, agencies should be aware that third party adjudicatory bodies, such as the Merit Systems Protection Board, have overturned actions not in accordance with agency tables of penalties where: (1) the possibility of variance from the table was not provided for in agency guidance, or (2) the reason for the variance was not well supported by the agency.

OPM recommends that an agency consider prefacing the table of penalties with a narrative section including the following provisions.

1. The issuance should state that the table is meant as a guide to disciplining employees, and that a penalty greater or lesser than one listed in the table is possible. That is, the use of a particular penalty should not be mandatory because it is listed in an agency's table. The table should make clear that, even for offenses where removal is not listed for a first offense, removal on a first infraction may be assessed for an aggravated offense. However, deviations from the table should not be frequent. A carefully crafted table will establish the correct range of penalties in most cases.
2. The issuance should state which penalties are mandatory by law [For example, see 31 U.S.C. 638a(c)(2) concerning misuse of Government vehicles.]
3. The issuance should state that the table is not meant to be an exhaustive listing of all offenses.
4. The issuance should include information on the period of time over which offenses are cumulative for purposes of assessing progressively stronger penalties. This "reckoning period" may vary for different offenses. For example, in assessing a penalty for current tardiness an agency may not wish to count tardiness that occurred long ago. However, for offenses reflecting character traits, such as dishonesty, an agency may wish to specify a lengthy or indefinite reckoning period. The agency may wish to include a provision that a specified number of infractions over a given period, even for unrelated offenses, may trigger consideration of removal, whether or not removal is listed for any of the offenses individually. Information concerning reckoning periods may be included in a narrative section preceding the table, or a separate column may be added to the table indicating the reckoning period for each listed offense.
5. The agency may wish to include a statement that although oral admonishments are not considered disciplinary actions, such admonishments may be considered when assessing a penalty. Also, agencies may wish to include explanations covering whether suspension days are calendar days or work days, whether the table applies to probationers, and whether the term "reprimand" means a written reprimand.

SUGGESTED TABLE OF ACTIONS

**THIS MATERIAL IS FOR INSTRUCTIONAL PURPOSES ONLY
PLEASE REFER TO THE PREFACING REMARKS ABOVE**

Nature of Offense	1st Offense	2nd Offense	3rd Offense
1. Attendance-related offenses			
a. Unexcused Tardiness	Oral admonishment	Oral admonishment to 1-day suspension	Oral admonishment to 5-day suspension
This includes delay in reporting at the scheduled starting time, returning from lunch or break periods, and returning after leaving work station on official business.			
Penalty depends on length and frequency of tardiness.			
4th offense typically may warrant 5-day suspension to removal.			
b. Absence without leave (AWOL)	Reprimand to 5-day suspension	1-day to 14-day suspension	5-day suspension to removal
These penalties generally do not apply to AWOL charged for tardiness of 1/2 hour or less. (See ¶1a above.) This offense includes leaving the work station without permission.	FOR INSTRUCTIONAL USE ONLY		
Penalty depends on length and frequency of absences. Removal may be appropriate for a 1st or 2nd offense if the absence is prolonged.			
c. Failure to follow established leave procedures	Reprimand to 5-day suspension	1-day to 5-day suspension	5-day suspension to removal
2. Breach of safety regulation or practice			
a. Where imminent danger to persons or property is not involved	Reprimand to 1-day suspension	1-day to 14-day suspension	5-day suspension to removal
b. Where imminent danger to persons or property is involved	Reprimand to removal	30-day suspension to removal	Removal
"Persons" includes "self". Penalty depends on seriousness of injury or potential injury and extent or potential extent of damages to property. Safety regulations may include requirements to report accident or injury.			

Nature of Offense	1st Offense	2nd Offense	3rd Offense
3. Breach of security regulation or practice			
a. Where restricted information is not compromised and breach is unintentional	Reprimand to 5-day suspension	1-day to 14-day suspension	5-day suspension to removal
b. Where restricted information is compromised and breach is unintentional	Reprimand to removal	30-day suspension to removal	Removal
c. Deliberate violation	30-day suspension to removal	Removal	
4. Offenses related to intoxicants			
Actions involving these offenses should be reviewed to insure the requirements of drug & alcohol abuse programs are met	<u>FOR</u> <u>INSTRUCTIONAL</u>	<u>USE</u> <u>ONLY</u>	
a. Alcohol-related:			
(1) Unauthorized possession of alcoholic beverages while on Government premises or in duty status	Reprimand to 5-day suspension	5-day to 14-day suspension	14-day suspension to removal
(2) Unauthorized use of alcoholic beverages while on Government premises or in duty status	Reprimand to 14-day suspension	14-day to 30-day suspension	30-day suspension to removal
(3) Reporting to or being on duty while under the influence of alcohol	Reprimand to 30-day suspension	14-day suspension to removal	Removal
(4) Sale or transfer of an alcoholic beverage while on Government premises or in a duty status or while any person involved is in a duty status	Reprimand to removal	Removal	
b. Drug-related:			
(1) Unauthorized possession of a drug or controlled substance while on Government premises or in a duty status	5-day to 30-day suspension	14-day suspension to removal	Removal
(2) Unauthorized use of a drug or controlled substance while on Government premises or in a duty status	14-day to removal	30-day suspension to removal	Removal
(3) Reporting to or being on duty while under the influence of a drug or controlled substance	30-day suspension to removal	Removal	

Nature of Offense	1st Offense	2nd Offense	3rd Offense
5. Making false, malicious or unfounded statements against coworkers, supervisors, subordinates, or Government officials which tend to damage the reputation or undermine the authority of those concerned	Reprimand to removal	14-day suspension to removal	30-day suspension to removal
6. Abusive or offensive language, gestures or other conduct [also see "Discourtesy", 17 below]	Reprimand to 10-day suspension	5-day suspension to removal	30-day suspension to removal
7. Discourtesy Penalty for 4th offense within one year may be 14-day suspension to removal	Oral admonishment to 1-day suspension	Reprimand to 5-day suspension	1-day to 10-day suspension
	<u>FOR</u> <u>INSTRUCTIONAL</u> <u>USE</u> <u>ONLY</u>		
8. Stealing, actual or attempted; unauthorized possession of Government property or property of others			
a. Where substantial value is not involved	Reprimand to removal	Reprimand to removal	5-day suspension to removal
b. Where substantial value is involved	14-day suspension to removal	Removal	
9. Using Government property or Government employees in duty status for other than official purposes Penalty depends on the value of the property or amount of employee time involved, the nature of the position held by the offending employee, and other factors. For misuse of Government vehicles, see 131	Reprimand to removal	1-day suspension to removal	14-day suspension to removal
10. Misuse of official Government credential	Reprimand to removal	5-day suspension to removal	14-day suspension to removal
11. Deliberate misrepresentation, falsification, exaggeration, concealment or withholding of a material fact, or refusal to testify or cooperate in an official proceeding	Reprimand to removal	1-day suspension to removal	5-day suspension to removal

Nature of offense	1st Offense	2nd Offense	3rd Offense
12. Loss of or damage to Government property, records, or information [also see 128] Penalty depends on value of property or extent of damage, and degree of fault attributable to employee	Reprimand to 14-day suspension	Reprimand to removal	14-day suspension to removal
13. Offenses relating to fighting Penalty depends on such factors as provocation, extent of any injuries, and whether actions were defensive or offensive in nature. a. Threatening or attempting to inflict bodily harm b. Hitting, pushing or other acts against another without causing injury c. Hitting, pushing or other acts against another causing injury	Reprimand to 14-day suspension	14-day to removal	30-day suspension to removal
14. Delay in carrying out or failure to carry out instruction in a reasonable time	Reprimand to removal	Reprimand to removal	5-day suspension to removal
15. Insubordinate defiance of authority, disregard of directive, refusal to comply with proper order	Reprimand to removal	5-day suspension to removal	Removal
16. Sleeping, loafing, or failure to attend to duties a. Where no danger to persons or property is involved b. Where danger to persons or property is involved	Oral admonishment to 1-day suspension	Reprimand to 5-day suspension	5-day suspension to removal
17. Negligent performance of duties a. Where wastage or other cost is insubstantial b. Where wastage or other cost is substantial	Oral admonishment to reprimand	Reprimand to 5-day suspension	5-day to 30-day suspension
	1-day to 5-day suspension	5-day suspension to removal	30-day suspension to removal

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Nature of Offense	1st Offense	2nd Offense	3rd Offense
18. Offenses related to gambling			
a. Participating in an unauthorized gambling activity while on Government premises or in duty status	Oral admonishment to reprimand	1-day to 5-day suspension	5-day to 30-day suspension
b. Operating, assisting, or promoting an unauthorized gambling activity while on Government premises or in a duty status or while others involved are in a duty status	14-day suspension removal <u>OR</u>	Removal <u>INSTRUCTIONAL</u>	<u>USE</u> <u>ONLY</u>
19. Participating in a strike, work stoppage, slowdown, sickout, or other job action	Removal		
20. Indebtedness where agency operations or reputation are affected	Oral admonishment to reprimand	Reprimand to 5-day suspension	5-day suspension to removal

**Offenses related to Supervisory/Managerial
Observance of Employee Rights**

21. Sexual harassment	Reprimand to removal	5-day suspension to removal	30-day suspension to removal
22. Discrimination based on race, color, sex, religion, national origin, age, marital status, political affiliation, or handicap	Reprimand to removal	5-day suspension to removal	30-day suspension to removal
23. Interference with an employee's exercise of, or reprisal against an employee for exercising, a right to grieve, appeal or file a complaint through established procedures	Reprimand to removal	5-day suspension to removal	
24. Reprisal against an employee for providing information to an Office of Inspector General (or equivalent) or the Office of Special Counsel, or to an EEO investigator, or for testifying in an official proceeding	30-day suspension to removal	Removal	
25. Reprisal against an employee for exercising a right provided under 5 U.S.C. 7101 et seq. (governing Federal labor-management relations	Reprimand to removal	5-day suspension to removal	30-day suspension to removal

Nature of Offense	1st Offense	2nd Offense	3rd Offense
26. Violation of an employee's constitutional rights (i.e., freedom of speech/association/religion)	Reprimand to removal	5-day suspension to removal	30-day suspension to removal

Offenses Proscribed in Statute

27. Finding by MSPB of refusal to comply with MSPB order or of violation of statute causing issuance of Special Counsel complaint [5 U.S.C. §§1206(g)(1) and 1207(b)]	Reprimand to removal
28. Directing, expecting or rendering services not covered by appropriations [5 U.S.C. 3103]	Removal
29. Prohibited political activity <ul style="list-style-type: none"> a. Violation of prohibition against political contributions [5 U.S.C. 7323] b. Violation of prohibition against campaigning or influencing elections [5 U.S.C. §§7324 and 7325] 	Removal 30-day suspension to removal
30. Failure to deposit into the Treasury money accruing from lapsed salaries or from unused appropriations for salaries [5 U.S.C. 5501]	Removal <u>OR</u> <u>INSTRUCTIONAL</u> <u>USE</u> <u>ONLY</u>
31. Soliciting contributions for a gift for a superior; making a donation as a gift to a superior; accepting a gift from an employee receiving less pay [5 U.S.C. 7351]	Removal
32. Action against national security [5 U.S.C. 7532]	Suspension or removal
33. Willfully using or authorizing the use of a government passenger motor vehicle or aircraft for other than official purposes [31 U.S.C. 638a(c)(2)]	1-month suspension to removal
34. Mutilating or destroying a public record [18 U.S.C. 2071]	Removal





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